

Chapter 17.02B - Island County Critical Areas Regulations

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17.02B.060 - Definitions.

Accessory Use. See definition section 17.03.040.

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Hazard tree means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

Herbaceous balds means variable-sized patches of grass and forb vegetation located on shallow soils over bedrock that commonly is fringed by forest or woodland, and often found on steep slopes. Dominant flora includes herbaceous vegetation, dwarf shrubs, mosses, and lichens. Rock outcrops, boulders, and scattered trees are often present, especially Douglas-fir, Pacific madrone, and Oregon white oak. Balds typically are smaller than 12 acres though may be larger.

High intensity agriculture shall mean existing and on-going agriculture including dairies, animal feeding operations and concentrated animal feeding operations as those terms are used in federal and state regulations, and livestock operations with an animal unit density greater than three (3) per acre.

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Wetlands associated with a bog, coastal lagoon, or delta estuary means a wetland that has a wetland outlet that connects the wetland directly to a bog, coastal lagoon, or delta estuary, or is within 500 feet of a bog, coastal lagoon, or delta estuary in an uphill direction and within the same contributing area. Wetlands associated with a coastal lagoon or delta estuary are also subject to the provisions of chapter 90.58 RCW Shoreline Management Act and chapter 17.05A.

Westside Prairie means herbaceous, non-forested (< 60% forest canopy cover) plant communities that can either take the form of a dry prairie or a wet prairie. Typical plants include grasses, sedges, and forbs. Mosses, lichens, and bare ground may also be found in the spaces between grass and forb cover. Three of the diagnostic grasses, sedges, or forbs found in the "Priority Habitats and Species List" prepared by WDFW, last updated February 2021, are required to identify dry prairie habitat.

White Oak Woodlands means stands of oak or oak/conifer where canopy coverage of the oak component of the stand is 25%, or where total canopy coverage of the stand is <25%, but oak accounts for at least 50% of the canopy coverage. Priority oak habitat consists of stands > 1 acre in size. Stands < 1 acre may also be considered a priority when found to be valuable to fish and wildlife based on a biological site assessment.

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17.02B.210 - Western Toad.

Western Toad breeding sites and upland occurrences, as documented by scientifically verifiable data from WDFW, or a qualified professional, shall be protected through the County's wetland and stream critical areas regulations, presently codified in title 17. Such breeding sites and occurrences, as they are presently known and documented as provided above, or may later be identified through the processing of site-specific land use and development permits or other scientifically verifiable data, are designated as fish and wildlife habitat conservation areas. Also designated as fish and wildlife habitat conservation areas are all the occurrences identified by current Priority Habitat Species data from WDFW, as it existed on January 24, 2017.

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17.02B.230 - Designated habitats and species of local importance.

Habitats and species of local importance and protected species that have been approved for designation by Island County include:

A. Protected species list—Flora:

Scientific Name	Common Name	State Status	Federal Status
Agoseris elata	tall agoseris	sensitive	
Sericocarpus rigidus	white-top aster	sensitive	species of concern
Castilleja levisecta	golden indian paintbrush	endangered	listed threatened
Circuta bulbifera	bulb bearing water hemlock	sensitive	
Fritillaria camschatcensis	black lily	sensitive	
Meconella oregana	white meconella	threatened	species of concern
Puccinella nutkaensis	Alaska alkaligrass		

B. Species and habitats of local importance list:

Scientific Name	Common Name	Protected Area	State Status	Federal Status
Ardea herodias	Great blue heron	Nest sites		
Pandion haliaetus	Osprey	Nests		
Dryocopus pileatus	Pileated woodpecker	Nest sites		
Cygnus buccinator	Trumpeter swan	Foraging habitat		
Pacific Rim Institute	Not applicable	Property		

- C. [Island County adopts designation criteria for Native Prairies, Herbaceous Balds and Oak Woodlands outlined in the most current version of the “Priority Habitats and Species List” prepared by the Washington Department of Fish and Wildlife \(WDFW\). All presently known habitat occurrences are displayed on a Map prepared by The Watershed Company on June 20, 2016. Mapping updates will be conducted in accordance with section 17.02B.200.C ICC.](#)

~~Native Prairies, Herbaceous Balds and Oak Woodlands, to the extent outside SMP jurisdiction:~~

- ~~1. Deception Pass SP-Goose Rock.~~
- ~~2. West Beach/Ebey's Landing Golden Paintbrush Site.~~
- ~~3. West Beach – non-native grassland.~~
- ~~4. West Beach Road – Unsurveyed Grassland.~~
- ~~5. Ebey's Bluff.~~
- ~~6. Grasser's Hill (including area locally known as Schoolhouse Prairie).~~
- ~~7. Naas (Admiralty Inlet) Natural Area Preserve.~~
- ~~8. Fort Casey State Park Golden Paintbrush site.~~
- ~~9. Penn Cove Road.~~
- ~~10. San de Fuca schoolhouse.~~
- ~~11. Smith Prairie, including Pacific Rim Institute.~~
- ~~12. South Smith Prairie.~~

~~*See Map prepared by Watershed Company dated June 20, 2016.~~

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Evaluation and Protection Standards

17.02B.400 - Evaluation requirements.

- A. **Site assessment and submittal requirements.** When a development proposal is located within 1,000 feet of a habitat for a protected species or an identified fish and wildlife habitat conservation area or its buffer, based upon maps and other information available to or maintained by the County, as described in section 17.02B.200.C., or when the applicant proposes to alter, decrease or average a standard stream buffer, a biological site assessment (BSA) shall be required.

1. The requirement for a BSA may be waived ~~by the Planning Director, if the Planning Director determines that the proposed development would result in only minor impacts. for minor development activities. The following activities are defined as minor development for parcels with an existing, legally-established residential use, provided no clearing of established native shrubs and trees is required:~~

b. Additions or accessory structures less than 300 square feet; and

c. Installation of wildlife compatible perimeter fencing, to include the following design criteria:

(i) Bottom wire shall be 16 inches above the ground and the fence shall be constructed of smooth wire or wood and not contain barbs that may injure wildlife; and

d. New residential gardening and landscaping, including construction of yard and garden structures such as a greenhouse or tool shed not to exceed 200 square feet in size; and

c. Installation of accessory solar energy generation equipment for residential solar energy production.

For parcels without an existing residential use, the minimum distance between an identified fish and wildlife habitat conservation area and the proposed activity shall be 600-feet to qualify as minor new development:

b. New agricultural activities with implementation of applicable best management practices outlined in Exhibit B to Ordinance C-86-17.

b. The construction of one (1) single family residential development and necessary appurtenances, when the following conditions are met:

(i) If the area between the proposed development and the property line closest to the FWHCA is not primarily composed of native plants, the landowner shall enhance with native plants an area equal to proposed impervious surfaces; and

(ii) Cleared area and impervious surfaces shall fall under the thresholds for low land use intensity outlined in 17.02B.460.A; and

(iii) All stormwater runoff from proposed impervious surfaces shall be properly controlled prior to reaching the associated habitat by managing stormwater close to the origin; and

(iv) The proposal implements 2 of the 3 low impact design techniques listed here:

(1) Permeable surfaces for all driveway and parking areas;

(2) A native plant landscaping plan equal in size to proposed impervious surfaces;
or

(3) Use of bioretention facilities including bioswales, planter boxes, rain catchment barrels, rain gardens, and/or dry wells.

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17.02B.430 - Other fish and wildlife habitat conservation areas.

A. **Bald Eagle.** When the Bald Eagle is listed under Washington State Law as threatened or endangered, Bald Eagle habitats shall be protected pursuant to the Washington State Bald Eagle Protection Rules, WAC 232-12-292. When the Bald Eagle is not so listed, federal laws such as the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act still apply. If the Planning Director determines that the scope or timing of the proposal may create an adverse impact or adversely affect the eagle nest territory, he/she shall require the preparation of a habitat management plan prior to any clearing, grading, or construction whenever activities that alter habitat are proposed near a verified nest territory.

B. **Washington Natural Heritage Program areas.**

1. **South Camano and Keystone.** South Camano is inventoried as a significant plant community dominated by Big Leaf Maple (*Acer macrophyllum*). Keystone is inventoried as a significant plant community dominated by Douglas Fir, Western Hemlock and Swordfern. Natural vegetation between the ordinary high water mark and the top of banks and bluffs ten (10) feet or higher shall be retained, except for removal of hazard trees and to allow for pedestrian waterfront access. Removal of invasive non-native species is authorized. Trimming but not removal for view enhancement is authorized.
2. **Grasser's Hill.** Grasser's Hill is inventoried as a significant plant community including white-top aster (*Sericocarpus rigidus*), a protected species. A biological site assessment and a habitat management plan (HMP) shall be prepared pursuant to this chapter in order to ensure protection of the white-top aster.
3. **West Beach and Ebey's Landing.** West Beach and Ebey's Landing are inventoried as a significant plant community including golden indian paintbrush (*Castilleja levisecta*), a protected species. A biological site assessment and a habitat management plan (HMP) shall be prepared pursuant to this chapter in order to ensure protection of the golden indian paintbrush.
4. **All other high quality terrestrial ecosystems per Washington Natural Heritage Program.** Projects affecting these areas will require mitigation sequencing, as demonstrated through the

preparation of a biological site assessment in consultation with the Washington Natural Heritage Program.

- C. All other FWHCA shall be protected on a case-by-case basis depending on the vulnerable resource and proposed activity or development.
- D. Buffers shall be established adjacent to FWHCA as necessary to protect the ecological integrity, structure and functions of the resource from development induced impacts. Buffer widths shall reflect the sensitivity of the species or habitat present and the type and intensity of the proposed adjacent human use or activity.
- E. The Planning Director shall determine the appropriate buffer for FWHCA other than streams based on best available science and the following guidance:

Fish and Wildlife Habitat Conservation Area	Buffer Requirement
Areas with a primary association with endangered, threatened, and sensitive species	Buffer shall be based on management recommendations provided by the Washington State Department of Fish and Wildlife PHS Program and shall consider site-specific conditions and recommendation of qualified professional.
State natural area preserves, natural resource conservation areas, and state wildlife areas	<p>Buffers shall not be required adjacent to these areas as long as these areas encompass the land required for species preservation. The Planning Department shall confirm the public agency establishing and managing the area has included sufficient land within these areas to ensure no net loss of habitat functions and values. If buffers are required, they shall reflect the habitat sensitivity and the type and intensity of activity proposed to be conducted nearby.</p> <p><u>The Admiralty Inlet Natural Area Preserve contains rare plants and plant communities, including a rare coastal forest type and is vulnerable to blow down from windstorms. To protect the forest ecological functions and values a 100 foot buffer shall be applied from the southern portion of the forest. For other state natural resource conservation areas and state wildlife areas, buffers shall be based on management recommendations from the agency managing the specific resource.</u></p>
Species and habitats of local importance	The need for and dimensions of buffers for approved species and habitats of local importance shall be determined on a case-by-case basis by the Planning Director according to an adopted or approved habitat management plan for the specific resource.

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